

**LOCAL COURT RULES
FOR
JACKSON COUNTY
CIRCUIT AND SUPERIOR COURTS**

TABLE OF CONTENTS

LR36-TR79 (H)-1.	ASSIGNMENT OF CIVIL CASES
LR36-CR2.2-2.	ASSIGNMENT OF CRIMINAL CASES
LR36-DN-3.	ADOPTION OF SECURITY GUIDELINES
LR36-DN-4.	JACKSON COUNTY ALCOHOL AND DRUG COURT SERVICES PROGRAM FEES
LR36-FL-5.	ADOPTION OF FAMILY COURT PROJECT RULES
LR36-AR15-6.	COMPENSATION OF COURT REPORTERS

LR36-TR79 (H)-1. ASSIGNMENT OF CIVIL CASES

In any civil case, when the judge of the Jackson Superior Court enters an order of recusal based upon a conflict of interest arising from any case in which he was involved as counsel prior to assuming the bench on January 1, 2006 or in any case in which he disqualifies himself pursuant to CANON 3E of the Code of Judicial Conduct, the case shall be assigned to Senior Judge James Kleopfer for all further proceedings. Upon recusal or disqualification, an order shall be entered transferring the case to Senior Judge James Kleopfer with an appropriate entry in the Record of Judgments and Orders and Senior Judge Kleopfer shall be notified.

LR36-CR2.2-2. ASSIGNMENT OF CRIMINAL CASES

In any criminal case, when the judge of the Jackson Superior Court enters an order of recusal based upon a conflict of interest arising from any case in which he was involved as counsel prior to assuming the bench on January 1, 2006 or in any case in which he disqualifies himself pursuant to CANON 3E of the Code of Judicial Conduct, the case shall be assigned to Senior Judge James Kleopfer for all further proceedings. Upon recusal or disqualification, an order shall be entered transferring the case to Senior Judge James Kleopfer with an appropriate entry in the Record of Judgments and Orders and Senior Judge Kleopfer shall be notified.

LR36-DN-3. ADOPTION OF SECURITY GUIDELINES

All persons entering the Jackson Superior Courthouse consent to an inspection of their person, any package, briefcase, or purse.

All persons, except those persons noted in paragraph (D), are prohibited from entering the Jackson Superior Courthouse while carrying any of the following:

- a deadly weapon as defined by Indiana Code 35-41-1-8,
- a firearm as defined by Indiana Code 35-47-1-5,
- an electric stun weapon as defined by Indiana Code 35-47-8-1,
- a stun gun as defined by Indiana Code 35-47-8-2,
- a taser as defined by Indiana Code 35-47-8-3
- a knife,
- an explosive device,
- a club, or
- any other material that, in the manner in which it is used, could ordinarily be used or is intended to be used and is readily capable of causing serious bodily injury (as defined by Indiana Code 35-41-1-25) as determined by the Jackson County Sheriff's Officers.

Any person refusing to comply with this Order will be denied entrance into the Superior Courthouse, and anyone knowingly violating this Order will be subject to contempt of Court pursuant to Indiana Code 34-47-3.

The following persons are exempt from this order: law enforcement officers under Indiana Code 35-41-1-17, Indiana Department of Corrections Officers, Community Correction officers, judicial officers, and probation officers who are in the courthouse for official business and duly authorized to carry deadly weapons. Employees of the courthouse who carry chemical spray devices for personal protection are also exempt.

The persons described as exempt from this Order *shall not be exempt* if they or any member of their family is a party to any proceeding taking place in court.

LR36-DN-4. JACKSON COUNTY ALCOHOL AND DRUG COURT SERVICES PROGRAM FEES

Participants in the Jackson County Alcohol and Drug Court Services Program will be charged the following fees:

<u>CATEGORY</u>	<u>FEE</u>
CASE MANAGEMENT FEE:	\$200.00
ADMINISTRATIVE FEE:	\$100.00
ASSESSMENT FEE:	\$100.00
CIRCUIT COURT REFERRAL FEE:	\$150.00
JUVENILE FEE:	\$50.00
TRANSFER FEE:	\$50.00
PROGRAM FEE FOR OUT OF COUNTY REFERRALS:	\$200.00
PRE-TRIAL DEVERSION FEE:	\$150.00

LR36-FL-5. ADOPTION OF FAMILY COURT PROJECT RULES

Definitions

Family Court. "Family Court" is the court or courts before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.

Family Court Proceeding. A "Family Court Proceeding" is comprised of the individual cases of the family or household which have been assigned to Family Court.

Rule 1: Exercise Of Jurisdiction

The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child In Need of Services, Delinquency, Status, and Paternity) involving the family.

Rule 2: Concurrent Hearings

The Family Court may, in the court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

Rule 3: Designation of Family Court and Change of Judge for Cause

Once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

Within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

Rule 4: Judicial Notice and Access to Records

Notice of Case Assignment. Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

Judicial Notice. Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

If a court takes judicial notice of:

a court order, the court shall provide a copy of that court order; or

a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

Access to Records. Parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

LR36-AR15-6. COMPENSATION OF COURT REPORTERS

Section One. Definitions. The following definitions shall apply under this local rule:

A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

Page means the page unit of transcript which results when a recording is transcribed in the form by Indiana Rule of Appellate Procedure 7.2.

Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.

Overtime hours worked means those hours worked that are in excess of forty (40) hours per week.

Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jackson County.

County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees

Court Reporters shall be paid an annual salary for time working under the control, direction and direct supervision of their supervising court during regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters, which outlines the manner in which the court reporters are to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.50.

The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50.

Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

All court transcript preparation work shall be preformed outside of regular working hours.

Section Three. Private Practice

If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the court reporter shall not use any equipment owned by the court or any governmental entity.

If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private work shall be conducted outside of regular working hours.